

**SUMMARY HIGHLIGHTS OF THE
U.S. DEPARTMENT OF ENERGY/U.S. NUCLEAR REGULATORY COMMISSION
TECHNICAL EXCHANGE ON SAFEGUARDS AND SECURITY AT YUCCA MOUNTAIN
ROCKVILLE, MARYLAND
FEBRUARY 25, 2004**

INTRODUCTION

On Wednesday, February 25, 2004, the U.S. Department of Energy (DOE) and U.S. Nuclear Regulatory Commission (NRC) staff conducted a Technical Exchange in Rockville, Maryland, in which NRC summarized the requirements for physical protection and materials control and accounting for the proposed geologic high-level waste repository at Yucca Mountain. The NRC presentations covered the following: (1) an overview of the NRC's Yucca Mountain Review Plan, (2) a summary of the NRC's physical protection requirements, and (3) a summary of the NRC's Material Control and Accounting requirements.

The detailed agenda for this meeting can be found in Attachment 1 (those portions of the meeting noted as closed to the public were not conducted).

In addition to staff from DOE and NRC, the meeting was attended by representatives of Egan, Fitzpatrick, Malsch, and Cynkar, PLLC and Platts (McGraw-Hill). Attachment 2 contains the list of attendees who were present at the meeting. Attachment 3 contains the handouts presented by NRC.

OPENING REMARKS

The meeting commenced with opening remarks by NRC and DOE. The NRC stated that the purpose of the meeting was to discuss safeguards and security at the proposed geologic repository at Yucca Mountain, Nevada. NRC further stated that: (1) all of the meeting would be open to the public, (2) no sensitive unclassified information, safeguards information, nor classified information would be presented, (3) the topics proposed to be discussed in the closed portions of the original agenda would NOT be discussed, since there was a need to resolve the appropriate security classifications and the appropriate access and control procedures to information associated with these topics.

PRESENTATIONS AND DISCUSSION

Jeff Ciocco, NRC presented an overview of the Yucca Mountain Review Plan (YMRP). Mr. Ciocco pointed out that first a license application would undergo an Acceptance Review to determine whether the application can be docketed. If the license application passed the Acceptance Review, it would then be docketed and a Detailed Technical Review would begin. Specific attention was devoted to Sections 1.3 (Physical Protection) and 1.4 (MC&A) of the YMRP.

Enclosure

Robert (Barry) Manili, NRC and Francis (Skip) Young, NRC presented the detailed requirements for physical protection at Yucca Mountain. Specific attention was devoted to 10 CFR 73.21, 73.51, 73.71, 73 Appendix B, 73 Appendix C, and 73 Appendix G.

Tom Pham, NRC presented the detailed requirements for materials control and accounting at Yucca Mountain. Mr. Pham reported that there have been recent revisions (effective October 2003) to NUREG/BR-0006 (Instructions for Completing Nuclear Material Transaction Reports) and NUREG/BR-0007 (Instructions for the Preparation and Distribution of Material Status Reports). In response to a question from DOE, Mr. Pham pointed out that there have been no Interim Compensatory Measures adopted for MC&A.

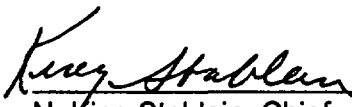
Public Comments on Safeguards and Security at Yucca Mountain

Mr. Malsch, Egan, Fitzpatrick, Malsch, and Cynkar, PLLC asked the following questions:

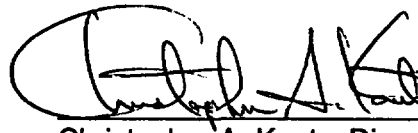
1. During the Presentations, there was mention of the schedule for the Safety Evaluation Report (SER). Other than what is prescribed in Part 63, has any schedule been established for the SER? NRC staff responded that the schedule in Part 63 is the schedule for the SER.
2. Has there been any consideration given in the TSPA for safeguards/security related events? DOE staff responded that the TSPA has not considered safeguards/security events.
3. What level of detail would be in the license application concerning safeguards/security? Would there be any security classifications imposed? NRC staff responded that they would expect the level of detail in the license application to be such that an acceptance review could be made; i.e., there would be an overview description of the security attributes including the security program concepts for the geologic repository and a description of the physical protection program that included a general description of the facility design and protection goals for each specific spent fuel storage configuration that would be used at Yucca Mountain. The detailed plans could follow the submittal of the license application. The timing would be mutually agreed upon between DOE and NRC. Additionally, DOE staff indicated that the general information sections pertaining to safeguards and security in the license application would not contain classified or safeguards information. However, the detailed plans may be classified.
4. In evaluating NRC's license application, will there be any different treatment accorded to DOE because it is a government agency? NRC staff responded that DOE will be treated like any other license applicant.

CLOSING REMARKS

Both DOE staff and NRC staff indicated that the meeting had been useful, but that at a later meeting, it would be helpful to discuss topics that are sensitive unclassified information, safeguards information, or classified information.

 Date 5/27/04

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 Date 5/20/04

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 Date 5/17/04

Mr. Joseph D. Ziegler, Director
Office of License Application and Strategy
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